

1. Revise Section 111.0207 item d subsection 1 to clarify powers and duties of the Board of Building appeals and Advisors.

(d) Powers and Duties. The powers and duties of the Board of Building Appeals and Advisors are as follows:

(1) The Board of Building Appeals and Advisors shall investigate and advise the Building Official on the suitability of ~~alternate materials and types of construction.~~ any alternate material, design, or construction method. This action may be taken on the Board's own motion, at the request of a permit applicant, or as requested by the City Manager, the Building Official, the Fire Chief, or the Historical Resources Board.

**Reason:** Aligns the scope of authority granted to the Board of Building appeals and advisors with that granted to the Building Official. The Board is advisory to the Building Official and hears issues referred to the assembly by project applicants or the Building Official and the Board offers the Building Official their collective expertise in rendering a recommendation to approve or disapprove an item or issue.

2. Amend Section 111.0207 (b) item 2 to revise the makeup of the Board as follows.

(2) Members shall have experience and training in matters of design and construction of buildings, fire prevention, and fire protection. At least two members shall be licensed by the State of California as Civil Engineers, one of whom is duly authorized to use the title "Structural Engineer," and one member each shall be from the electrical and mechanical industries or professions. At least two members shall be licensed by the State of California as Fire Protection Engineers. At least one member shall be licensed by the State of California as an Architect. At least one member shall represent the disabled community.

**Reason:** Clarifies the current constitution of the Board and formally requires persons representing the disabled community. The Board has been hearing numerous cases using performance based fire protection engineering methods and the presence of Fire Protection engineering professionals on the Board has provided invaluable assistance to both the Building Official and Fire Marshall due to the complexity and frequency of large complex projects.

3. Chapter 12 Article 2 Division 2

- a. Add the following text:

**Section 112.0204 Construction Permit Fees.** A fee for each construction permit shall be paid in accordance with the fee schedule established by resolution of the

City Council and filed in the office of the City Clerk.

(a) The Building Official shall compute the building permit and building plan review fees based on the nature of all construction work for which the permit is issued, including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevator and any other permanent work or permanent equipment installed or constructed.

(b) Where work for which a permit is required by the City adopted building regulations is started or completed prior to obtaining the required permit, a penalty fee as established by the City Council and filed in the office of the City Clerk shall also be paid. The payment of the penalty fee shall not relieve any person from fully complying with the requirement of the building regulations in the execution of the work or from any other penalties prescribed in this Section.

(c) If a permit has been canceled or has expired and no work was commenced and no required inspections have been made, a portion of the permit fee paid may be refunded by the Building Official upon application for refund by the permittee within one (1) year from the date of permit issuance.

**§112.0205 Plan Review Fees For Compliance With The Building Regulations.**  
When a plan or other data is required to be submitted by the Building Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

(a) The plan review fees specified in Section 112.0205 are separate fees from the permit fees specified in Section 112.0204.

(b) Where plans are incomplete, or changed so as to require additional plan review, an additional plan review fee shall be charged in accordance with the fee schedule established by the City Council and filed in the office of the City Clerk.

**§112.0206 Construction Permit Reinspection Fee.**  
The fee for each reinspection shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

**§112.0207 Energy Conservation Fee.**  
In addition to any other applicable fees, an energy conservation fee shall be paid for each building permit which authorizes the construction of a new building or the addition to or alteration of an existing building, if such building or addition or alteration is subject to the provisions of Chapter 2-53, Part 2, Title 24, of the California Code of Regulations. The energy conservation fee shall be determined in accordance with the fee schedule established by the City Council and filed in the office of the City Clerk. The

energy conservation fee shall be paid at the time the building permit is issued.

**Reason:** Publication of the Land Development code on January 1, 2000 inadvertently omitted language associated with fees associated with enforcement of California construction codes. The text above was transcribed from language published in Section 91.0107 of the San Diego Municipal Code when the amendments to the 1998 California Building Code were published on July 1, 1999.

- b. Add the following text:

**§112.0208 Investigation Fees for Work without a Construction Permit.**

Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

**§112.0209 Investigation Fee.** An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in approved schedule of fees. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

**Reason:** There is a need to differentiate between an investigation fee and a penalty fee associated with filing of a Building Permit for work previously performed prior to the issuance of a Building Permit. The text was transcribed from Section 107.5 of the 1998 CBC.

4. Add the following item to Section 129.0203 to reflect the following revisions and additions for work exempt from a building permit. This is in addition to work exempt from a building permit and renumber item 23 from changes proposed by previous proponent:

(23) Installing “replacement windows” in existing window openings where all of the following conditions apply:

- a. The “replacement windows” are installed in a single family residence or a duplex;
- b. The proposed window replacement shall not require any modifications to the weather resistive exterior wall envelope protecting the structure or the interior of the structure.
- c. The existing windows to be replaced are not required to be fire resistive.
- d. The proposed work shall not require modifications to the existing rough openings.
- e. Exemption from a building permit shall not exempt compliance with the

emergency escape requirements of Section 310.4 of the 2001 California Building Code and the provision of smoke detectors per the requirements of Section 310.9 of said code.

~~(24) (23)~~ (20) Specific structures as determined by .....

**Reason:** The typical installation of replacement windows that fit within the frames of the existing windows in a single family dwelling or duplex typically costs approximately \$6,000.00 per home. There is no need for a Building Inspector to inspect the installation since no weather proofing will be affected and since the work will be associated with minor residential buildings.

5. Modify Section 145.0207 by renumbering Section 3403.6.2 Live/Work. To 3406.2.1 and adding the following text under Section 3406.2.

3403.6.2 Alternative regulations for "live/work quarters". The conversion of a building or portion thereof, to live/work quarters shall be considered a "temporary" use of the building. Only buildings which were originally designed for industrial or non-residential commercial use may be converted to live/work quarters. The original occupancy and type of construction designations of the building shall remain the same as before the conversion. The existing building need not be brought up to fire resistive standards resulting from the temporary residential use. However, the use of the building is being changed and for the safety and convenience of the occupants, residential standards shall be applied as stated herein.

The living portion of the live/work quarters units must meet all the fire and life-safety requirements of the 2001 California Building Code Building for Group R Division 1, occupancies.

Conversions work may comply with alternative building regulations approved by the Building Official. The Building Official shall publish a policy pursuant to the authority granted in Section 17958.11 of the State Health and Safety Code which allows the City of San Diego to adopt alternative building regulations in certain areas of the city for the conversion of commercial or industrial buildings, or portions thereof, to joint live/work quarters. These provisions of the policy shall not be applied to any building whose original building permit application was filed after January 1, 1983.

3403.6.2.1 Live/Work. Additions to Live/work quarters. The addition of floors in existing buildings may be permitted if all of the following conditions are met to the satisfaction of the Building Official:

(1) The building must be used for "joint living and work quarters" ("live/work quarters") as defined in California Health and Safety Code section 17958.11, and the specific area of the floor addition shall be used only for living areas for

live/work quarters.

(2) The floor area addition shall not exceed 10 percent of the existing building's floor area and shall be located entirely within the existing building.

(3) A report of structural survey shall be submitted to the Building Official establishing that the building with the proposed floor additions is not subject to any greater risk of earthquake damage than it would have been under a previously permitted use without the floor additions.

(4) The owner of the building, binding its successors in interest, agrees in writing on a form provided by the Building Official to not hold the City liable for the expense of any alterations completed pursuant to this section if the City later determines that a general structural reinforcement of the building is required. The agreement shall be recorded with the County Recorder.

(5) The owner of the building, binding its successors in interest, agrees in writing on a form provided by the Building Official to remove all floors that have been added pursuant to this section if the building ceases to be used for live/work purposes. The agreement shall be recorded with the County Recorder.

**Reason:** The proposed change provides clarification on how the Building Official classifies the occupancy of live/work projects. Clarification is also provided on the limitations under which the policy may be applied. The text was extracted from the current policy and no new requirements are proposed.

6. Chapter 14 Article 5 Division 4

a. Amend Section 145.0405 item (e) as follows

§145.0405 General Regulations for Archaic Materials and Methods of Construction

(e) For ~~technical~~, archaic material design values, ~~material, and design requirements~~, refer to Sections A103 through A113.6 of the UCBC Appendix Chapter I, including all tables and figures (~~except Table A-1-E~~).

**Reason:** The proposed change reconciles errors resulting from the reformatting of the UCBC that commenced with the 1994 edition as well as amendments to the 1998 CBC.

b. Amend Section 145.0412 item (b) as follows

§145.0412 Regulations for Historical Buildings Within the Scope of this Division

(b) Allowable stresses for archaic materials not specified in the ~~1998~~ 2001 California Building Code or Table No. ~~A-1-C~~ A-1-E of the UCBC Appendix Chapter 1 may be based on substantiating research data or engineering judgement subject to the Building Official's satisfaction.

**Reason:** The proposed change reconciles errors resulting from the reformatting of the

UCBC that commenced with the 1994 edition. Amendments to the 1991 UBC referenced Table A-1-C of the 1991 UCBC Allowable Values for Existing Materials.

7. Delete the following text in Section 147.0104 and replace the new code edition

**147.0104 Portions of the ~~1998~~ 2001 California Plumbing Code Not Adopted**

The following portions of the ~~1998~~ 2001 California Plumbing Code are not adopted:

Chapter ~~1~~ 1 - Administration

~~Chapter 4 Section 413.0 and Table 4-1~~

Chapter 13 Medical Gas Systems

~~Appendices E, H and K~~

**Reason:** Update to the new code reference and adopt the minimum plumbing fixture regulations. Also editorial revisions since jurisdictions are not required to adopt appendix chapters.